

**Article 7: Soliciting — Begging — Charitable Solicitations**

**§57.01 Public Charitable Solicitations — Policy and Definitions**

- (a) Purpose and Intent. In order to prevent the public from being subjected to fraud and misrepresentation in connection with solicitation of contributions for charitable and religious purposes, and in order to approve the solicitation for legitimate charitable and religious purposes and to recognize worthwhile charities, and in order to furnish guidance to the Chief of Police, these sections of the San Diego Municipal Code are adopted.

It is intended by these sections that the legitimate and recognized charitable and religious organizations should not be hampered by the provisions contained herein, and the Chief of Police is given discretion to waive certain of the provisions. Such provisions should be waived only after a careful determination that the public interest will not be adversely affected thereby and that such waiver will not aid in the commission of a fraud or misrepresentation upon the persons being solicited for contribution.

- (b) Definitions. For the purpose of this section and subsections, certain terms used herein are defined as follows:

CHARITABLE shall mean and include the words patriotic, philanthropic, social service, welfare, health, benevolent, educational, civic or fraternal, either actual or purported.

RELIGIOUS and RELIGION as used herein shall not mean and include the word CHARITABLE as herein defined, but shall be given their commonly accepted definitions.

CONTRIBUTION shall mean and include the words alms, food, clothing, money, subscription, property or donations under the guise of a loan of money or property.

PERSON shall mean any individual, firm, co-partnership, corporation, association, society, league, organization, church, or religious body and includes any trustee, receiver, assignee, agent or other representative thereof.

SOLICITATION shall mean and include the following:

- (1) Any direct oral or written request for money, property or anything of value or any financial assistance of any kind;
- (2) The distribution, circulation, mailing to an address within the City of San Diego, posting or publishing of letters, posters, handbills, cards, folders, pamphlets, books, or circulars for the purpose of soliciting funds;
- (3) The giving or making of an announcement to the press or over the radio or television or telephone or telegraph concerning or involving an appeal, assemblage, athletic or sports event, bazaar, benefit, card party, campaign, contest, drive, entertainment, exhibition, exposition, lecture, party, performance, picnic, sale or social gathering to which the public or any portion thereof is requested to meet or patronize or to which the public or any portion thereof is requested to make a contribution, by reason of or because of any charitable (as defined in this section), purpose or benefit, or other purposes connected with or involved in any such appeal, assemblage, athletic or sports event, bazaar, benefit, campaign, card party, contest, drive, entertainment, exposition, lecture, party, performance, picnic, sale or social gathering;
- (4) The sale of, offer to sell, or attempt to sell any advertisement, advertising space, article or service, book, card, chance coupon, device, magazine, membership, merchandise subscription, ticket or thing whatsoever in connection with which or when or where any appeal is made for any charitable purpose whatever (as "charitable" is defined in this Section), or for other purpose, or the name of any charity, philanthropic or charitable association (as "charitable" and "association" are so defined), or of any other association, is used or referred to in any such appeal as an inducement or reason for the making of any such sale, or when or where in connection with any such sale, offer to sell or attempt to sell, any statement is made that the whole or any part of the proceeds from any such sale or selling will go to or be donated to any charitable purpose or association (as "charitable" and "association" are defined in this Section) or to any other association;
- (5) a solicitation as defined herein shall be deemed completed when made whether or not the person making the same receives any contribution, (as defined in this Section), or makes any sale herein referred to.

PROMOTER shall mean any person who, for pecuniary compensation or consideration received or to be received, solicits, or is engaged in the business of soliciting contributions for or on behalf of any other person or any charitable association or institution, or any other association or institution, or conducts, manages or carries on or agrees to conduct, manage or carry on, or is engaged in the business of or holds himself out as engaged in the business of conducting, managing or carrying on any drive or campaign for any such purpose, or gives advice, counsel or other aid to any charitable association or institution, or any other association or institution in connection with any solicitation; provided, however, that pecuniary compensation or consideration, as used herein, shall include, but shall not be limited to, participation on a percentage basis in any fund solicited or raised for or on behalf of any other person, firm or association, provided, further that no person who is a bona fide paid officer or employee of a social service agency shall be considered a promoter within the meaning of this Section.

*(Amended 9-12-1967 by O-9692 N.S.)*

**§57.01.1 Public Charitable Solicitations — Permit Necessary — Procedure**

- (a) No person shall conduct, carry on, or manage any solicitation for a charitable purpose within the City of San Diego unless a permit therefor has been issued by the Chief of Police.
- (b) Application for the permit required by Subsection (a) shall be made upon forms provided by The City of San Diego, notarized or affirmed, and filed with the Police Department at least fifteen (15) days prior to the date of commencement of the proposed solicitation. Upon good cause being shown, the Chief of Police may allow the filing of an application less than fifteen (15) days prior to the commencement of the proposed solicitation.
- (c) Application for the permit required by Subsection (a) shall contain the following information, or in lieu thereof, a detailed statement of the reason or reasons why such information cannot be furnished:
  - (1) The name and address of the person applying for the permit;
  - (2) If the applicant is not an individual, the names and addresses of the applicant's principal officers and managers, together with written authorization to make the application signed by two of the applicant's principal officers;

- (3) The purpose for which the solicitation is to be made, the estimated total amount of funds proposed to be raised thereby, and the use or disposition to be made of any receipts therefrom;
- (4) A specific statement, supported by reasons and figures, showing the need for the contributions to be solicited;
- (5) The names and addresses of all persons by whom the receipts of solicitation are to be disbursed and the addresses or locations of all places from which disbursement of funds are to be made;
- (6) The names and addresses of all persons who will be in charge of conducting the solicitation and the names and addresses of all promoters connected or to be connected with the proposed solicitation;
- (7) The names and addresses of all solicitors to whom "Information Cards" required by Section 57.01.10 (a) are to be issued, unless in the opinion of the Chief of Police the solicitation campaign is of such magnitude and involves such a great number of volunteer solicitors as to make it impractical to provide the same;
- (8) An outline of the method or methods to be used in conducting the solicitations; and where solicitors under the age of sixteen (16) are to be used, a statement of the manner in which such solicitors shall be supervised;
- (9) The time when the solicitation is to be made, giving the dates for the beginning and ending of the solicitation;
- (10) The estimated cost of the solicitation;
- (11) The amount of any wages, fees, commissions, expenses or emoluments to be expended or paid to any promoter or person in connection with the solicitation and the names and addresses of all such persons (other than bona fide staff);
- (12) A financial statement of all funds from all sources collected for charitable purposes by the applicant during the applicant's last preceding fiscal year, giving the amount of money raised, together with the cost of raising it, and the final distribution thereof;

- (13) A full statement of the character and extent of the charitable work being done by the applicant within the City of San Diego;
  - (14) A statement that the estimated cost of the solicitation will not exceed twenty-five (25) per centum of the total amount to be raised; or if the solicitation is by the sale of merchandise or advertising, entertainment, athletic or sports event, bazaar, benefit, card party, contest, dance, exhibition, exposition, lecture, party, performance, or picnic, a statement to the effect that the estimated cost of the solicitation will not exceed fifty (50) percentum of the total amount to be raised; any costs in excess of the stipulated percentages shall be considered unreasonable. For good cause being shown the Chief of Police may waive the stipulated percentages in a particular case;
  - (15) A statement to the effect that the permit required by Subsection (a) and the "Information Card" required by Section 57.01.10(a) will not be used or represented in any way as an endorsement by The City of San Diego or by any department or officer thereof;
  - (16) Any other information as may be reasonably required by the Chief of Police in order for him to determine the kind and character of the solicitation proposed.
- (d) If there is any change in fact, policy or method that would alter the information given in the application the applicant shall notify the Chief of Police in writing thereof within five (5) days.
  - (e) All applications filed hereunder shall become and remain a public record open to the inspection of all persons.  
*(Amended 11-5-1964 by O-9114 N.S.)*

**§57.01.2 Public Charitable Solicitations — Investigation by Chief of Police — Powers**

- (a) Upon receipt of an application for a permit required by Section 57.01.1(a), the Chief of Police or his authorized representative shall have the power to determine by investigation the truth of the statements contained in the application.
- (b) The Chief of Police shall have the power to investigate the conduct of any solicitation for a charitable purpose.

- (c) The Chief of Police shall have the power to inspect all books, records and papers of any person by whom or on whose behalf any solicitation is made.
- (d) The Chief of Police shall have the power to make copies of all books, records and papers pertaining to any solicitation for a charitable purpose.
- (e) When the charitable solicitation is conducted by an organization recognized throughout the United States as a national charitable organization, and when the Chief of Police determines that the public interest would not be adversely affected thereby, he may waive the requirements for "information" or the "information card" established in Section 57.01.10 (personal contact solicitation), Section 57.01.11 (solicitation by printed matter or telegraph), Section 57.01.12 (solicitation by mail), Section 57.01.13 (solicitation by radio), Section 57.01.14 (solicitation by television), and Section 57.01.15 (solicitation by telephone).

*(Amended 11-5-1964 by O-9114 N.S.)*

### **§57.01.3 Same — Standards for Granting or Denying Permits**

- (a) The Chief of Police shall issue the permit required by Section 57.01.1(a) whenever, to the best of his knowledge, he finds that the following facts exist:
  - (1) That all the statements made in the application are true;
  - (2) That the applicant has a good character and reputation for honesty and integrity, or, if the applicant is not an individual person; that every member, managing officer or agency of the applicant has a good character or reputation for honesty and integrity;
  - (3) That the control and supervision of the solicitation and the distribution or disbursement of the proceeds will be directed by reliable and responsible persons;
  - (4) That the applicant has not engaged in any fraudulent transaction or enterprise;
  - (5) That the solicitation will not be a fraud on the public;
  - (6) That the solicitation is prompted solely by a desire to finance the charitable cause described in the application and will not be conducted for private profit;

- (7) That the estimated cost of the solicitation will not exceed twenty-five (25) percentum of the total amount to be raised; or, if the solicitation is by the sale of merchandise or advertising, entertainment, athletic or sports event, bazaar, benefit, card party, contest, dance exhibition, lecture, party performance, or picnic, that the estimated cost of solicitation will not exceed fifty (50) percentum of the total amount to be raised; any costs in excess of the stipulated percentages shall be considered unreasonable. For good cause being shown the Chief of Police may waive the stipulated percentages in a particular case;
  - (8) That the applicant has not violated this Code in the conduct of any prior solicitations.
- (b) The Chief of Police shall deny a permit whenever he finds that any of the foregoing facts do not exist.
  - (c) Before the Chief of Police denies a permit, he shall, within fifteen (15) days of the date of the application, file in his office for public inspection and serve upon the applicant by registered or certified mail a written statement of his findings of fact and decision.

*(Amended 11-5-1964 by O-9114 N.S.)*

#### **§57.01.4 Same — Fee Paid to City Treasurer**

Upon the granting of a permit, the Chief of Police shall deliver same to the applicant upon payment of a fee of three dollars (\$3.00) to be paid to the City Treasurer.

*(Amended 11-5-1964 by O-9114 N.S.)*

#### **§57.01.5 Public Charitable Solicitations — Content and Duration of Permit**

- (a) A permit issued under Section 57.01.3(a) shall be signed by the Chief of Police or his authorized representative and bear the name and address of the applicant thereof, the number of the permit, the date of issue and expiration, and a statement that the permit does not constitute an endorsement by The City of San Diego or any of its departments, officers or employees of the purpose, or of the persons conducting the solicitation.
- (b) a permit issued under Section 57.01.3(a) shall be valid for a period not longer than three (3) months. Upon good cause being shown, the Chief of Police may extend a permit for an additional period not longer than three (3) months; provided, however, that when he determines that the applicant is an organization recognized throughout the United States as a national charitable

organization, and that the public interest will not be adversely affected thereby, he may issue the permit for a period not to exceed twelve (12) calendar months.

*(Amended 11-5-1964 by O-9114 N.S.)*

**§57.01.6 Same — Grounds for Suspension or Revocation**

Any violation of the provisions of this Code or any misrepresentation in the conduct of any solicitation for a charitable purpose shall constitute prima facie grounds for suspension or revocation of a permit issued under Section 57.01.3(a) by the Chief of Police.

*(Amended 11-5-1964 by O-9114 N.S.)*

**§57.01.7 Same — Public Hearing upon Denial, Suspension, Revocation — Appeal**

Within five (5) days after notification by registered or certified mail of any denial, suspension or revocation, an applicant or permittee may file with the City Clerk a written request for a public hearing thereon before the Public Services & Safety Committee of the City Council. The City Clerk shall immediately transmit a copy of said request to the Committee Consultant who shall thereupon set a time and place for the hearing and shall so notify said applicant or permittee. The hearing shall be held within (30) days after the request is filed. At the hearing, the applicant or permittee may present evidence in support of his contentions. Any interested persons may be allowed to participate in the hearing and present evidence. After the conclusion of the hearing the Public Services & Safety Committee of the City Council shall either sustain or overrule the appeal. The decision of the Committee shall be final unless a hearing is set before the City Council pursuant to Section 22.0101, Rule 4.

*(Amended 1-19-1977 by O-11998 N.S.)*

**§57.01.8 Same — Permit Non-Transferrable**

A permit issued under this chapter shall be non-transferrable.

*(Amended 11-5-1964 by O-9114 N.S.)*

**§57.01.9 Same — Reports Required**

- (a) Any person to whom such permit has been issued shall file with Chief of Police within thirty (30) days after termination of the permit a detailed report and financial statement, on forms provided by The City of San Diego, notarized or affirmed, showing the amount raised by the solicitation; the amount expended in the solicitation, including wages, fees, commissions, and expenses paid to any person in connection with the solicitation; and the disposition of the



balance of funds collected by the solicitation. The time for filing of the report required by this Section may be extended by the Chief of Police upon good cause being shown.

- (b) Any person issued a permit under this Article shall make available to the Police Department all books, records and papers by which the accuracy of the report required by Subsection (a) may be ascertained.
- (c) Any report filed hereunder shall become a public record.  
(Amended 11-5-1964 by O-9114 N.S.)

**§57.01.10 Same — Solicitors — Information Card Necessary**

- (a) No person shall personally solicit any contributions for a charitable purpose unless he exhibits an "Information Card" or a facsimile thereof, and either reads it to or presents it for the perusal of the individual solicited.
- (b) The "Information Card" or a facsimile as required by Subsection (a) above shall be in a form and size approved by the Chief of Police and shall contain the following information:
  - (1) The total amount of funds proposed to be raised;
  - (2) The estimated cost of solicitations, including all wages, fees, commissions; and expenses or emoluments to be expended or paid anyone in connection with the solicitation;
  - (3) The estimated amount which will remain for the designated charitable purpose;
  - (4) The total amount of funds raised in the preceding year, the cost of solicitation, and the amount which remained for the designated charitable purpose as reported pursuant to Section 57.01.1(c)(12);
  - (5) Any additional information which in the opinion of the Chief of Police may be of assistance to the public in determining the nature and purpose of the solicitation. (c) Approved "Information Cards" may be obtained from the City at cost.
- (d) When the Chief of Police determines that no useful purpose would be served by adhering to the requirements of this section and that the public interest would not thereby be adversely affected, he may waive the requirement that all

persons soliciting contributions for a charitable purpose exhibit an  
"Information Card."  
(Amended 11-5-1964 by O-9114 N.S.)

**§57.01.11 Same — Soliciting by Printed Matter or Telegraph Restricted**

No person shall solicit any contribution for a charitable purpose by printed matter, published article, or telegraph unless he includes therein the information required by Section 57.01.10(b).  
(Amended (formerly Sec. 57.01.1.) 7-31-1962 by O-8691 N.S.)

**§57.01.12 Same — Soliciting by Mail Restricted**

No person shall solicit any contribution for a charitable purpose by mail unless he includes therein an "Information Card" or a facsimile thereof approved by the Chief of Police.  
(Amended 11-5-1964 by O-9114 N.S.)

**§57.01.13 Same — Soliciting by Radio Restricted**

No person shall solicit any contribution for a charitable purpose by radio unless he audibly and understandably announces the information required by Section 57.01.10(b) at least once for each broadcast of less than one (1) hour in duration or at least once per hour for a broadcast of more than one (1) hour in duration, except that the above requirement shall not apply when the solicitation is of less than one (1) minute in duration and is not in any way connected with the sponsorship of an adjoining broadcast.  
(Amended (formerly Sec. 57.01.1) 7-31-1962 by O-8691 N.S.)

**§57.01.14 Same — Soliciting by Television Restricted**

No person shall solicit any contribution for a charitable purpose by television unless he audibly and understandably announces the information required by Section 57.01.10(b) and simultaneously displays a fully enlarged picture of an "Information Card" approved by the Chief of Police at least once for each broadcast of less than one (1) hour in duration or at least once per hour for a broadcast of more than one (1) hour in duration, except that the above requirement shall not apply when the solicitation is of less than one (1) minute in duration and is not any way connected with the sponsorship of an adjoining broadcast.  
(Amended 11-5-1964 by O-9114 N.S.)

**§57.01.15 Same — Soliciting by Telephone — "Information Card" Required upon Request**

No person shall solicit any contribution for a charitable purpose by telephone unless he is prepared to present an "Information Card" upon request of the individual solicited; and when the individual solicited requests an "Information Card," the person soliciting must thereafter present an "Information Card" or a facsimile thereof.

*("Same — Soliciting by Telephone — "Information Card" Required upon Request" amended (formerly 57.01.1) 7-31-1962 by O-8691 N.S.)*

**§57.01.16 Same — Soliciting by Telephone — Compensation to Solicitor Prohibited**

No person shall solicit any contribution for a charitable purpose by telephone for pecuniary compensation or other consideration; provided, however, that when the Chief of Police determines that the public interest would not thereby be adversely affected, he may permit telephone solicitation by paid employees of recognized charitable and religious organizations.

*(Amended 11-5-1964 by O-9114 N.S.)*

**§57.01.17 Same — Soliciting by Minors Restricted**

No person under sixteen (16) years of age shall personally solicit any contribution for a charitable purpose after sundown unless he is accompanied by a person of the age of eighteen (18) years or older, to whom an "Information Card" also has been issued. Such "Information Card" shall be read or presented to the individual solicited as provided in Section 57.01.10(a).

*("Soliciting by Minors Restricted" added 7-31-1962 by O-8691 N.S.)*

**§57.01.18 Same — Permission to Solicit for Another**

No person shall conduct, carry on, or manage any solicitation for a charitable purpose in the name of or on behalf of any other person without first obtaining express written permission of that person and filing it with the Chief of Police.

*(Amended 11-5-1964 by O-9114 N.S.)*

**§57.01.19 Same — Written Receipt**

(a) No person shall accept any contribution for a charitable purpose without tendering in exchange a signed receipt.

(b) Exceptions:

- (1) No receipt need be given or tendered if a donation of money is made by placing the same in a box or receptacle previously approved by the Chief of Police.
- (2) No receipt need be given for any donation the value of which is less than one dollar (\$1.00);
- (3) When the Chief of Police determines that the public interest would not be adversely affected thereby and that the waiver of the requirement of tendering a signed receipt would not aid in a fraud upon the contributor, he may waive the requirements of this section.

*(Amended 11-5-1964 by O-9114 N.S.)*

**§57.01.20 Same — Box or Receptacle**

No person shall solicit any contribution for a charitable purpose by means of any box or receptacle in or upon any public street or place, or any place open or accessible to the public without first obtaining a permit therefor from the Chief of Police.

*(Amended 11-5-1964 by O-9114 N.S.)*

**§57.01.21 Same — Accounting System**

No person shall conduct, carry on or manage any solicitation for a charitable purpose unless he establishes and maintains a system of accounting in which all income, contributions and disbursements are recorded.

*(Added and amended (formerly Sec. 57.01.17) 7-31-1962 by O-8691 N.S.)*

**§57.01.22 Same — Exceptions**

Nothing in Sections 57.01.1 through 57.01.21 shall be deemed to apply to any solicitation for a charitable purpose conducted by an organization solely upon premises owned or occupied by it, or solely among its officers and members or employees.

*(Added and amended (formerly 57.01.18) 7-31-1962 by O-8691 N.S.)*

**§57.01.23 Religious Solicitations — Registration and Certificate Required**

- (a) No person shall conduct, carry on, or manage any solicitation for a religious purpose within the City of San Diego unless he has registered the solicitation with and secured a Certificate of Registration from the Chief of Police.

- (b) Every registrant shall furnish to the Chief of Police, upon forms provided by The City of San Diego, notarized or affirmed, the following information, or in lieu thereof, a statement of the reason or reasons why the information cannot be given:
- (1) The name and address of the registrant;
  - (2) If the registrant is not an individual, the names and addresses of the registrant's principal officers and managers, together with written authority to register signed by two of the registrant's principal officers;
  - (3) The purpose for which the solicitation is to be made, the estimated total amount of funds proposed to be raised thereby, and the use or disposition to be made of any receipts therefrom;
  - (4) A specific statement, supported by reasons and figures, showing the need for the contributions to be solicited;
  - (5) The names and addresses of all persons by whom the receipts of solicitations are to be disbursed;
  - (6) The names and addresses of all persons who will be in direct charge of conducting the solicitation and the names and addresses of all promoters connected or to be connected with the proposed solicitation;
  - (7) The names and addresses of all solicitors to whom "Information Cards" required by Section 57.01.25 are to be issued, unless in the opinion of the Chief of Police the solicitation campaign is of such magnitude and involves such a great number of volunteer solicitors as to make it impractical to provide the same;
  - (8) An outline of the method or methods to be used in conducting the solicitation; and where solicitors under the age of sixteen (16) years are to be used, a statement of the manner in which such solicitors shall be supervised;
  - (9) The time when the solicitation is to be made, giving the dates for the beginning and ending of the solicitation;
  - (10) The estimated cost of the solicitation;

- (11) The amount of any wages, fees, commissions, expenses or emoluments to be expended or paid to any person in connection with the solicitation, and the names and addresses of all such persons;
  - (12) A financial statement of all funds collected for religious purposes by the registrant during the registrant's last preceding fiscal years, giving the amount of money raised, the cost of raising it, and the final distribution thereof;
  - (13) A full statement of the character and extent of the religious work being done by the registrant within the City of San Diego;
  - (14) A statement that the estimated cost of the solicitation will not exceed twenty-five (25) percentum of the total amount to be raised; or, if the solicitation is made by the sale of merchandise or advertising, entertainment, athletic or sports event, bazaar, benefit, card party, dance, contest, exhibition, exposition, lecture party, performance, or picnic, a statement to the effect that the estimated cost of the solicitation will not exceed fifty (50) percentum of the total amount to be raised; any costs in excess of the stipulated percentages shall be considered unreasonable. For good cause being shown the Chief of Police may waive the stipulated percentages in a particular case;
  - (15) A statement to the effect that the Certificate of Registration will not be used or represented in any way as an endorsement by The City of San Diego or by any department or officer thereof;
  - (16) Any other information as may be reasonably required by the Chief of Police in order for him to determine the kind and character of the solicitation proposed.
- (c) If there is any change in fact, policy or method that would alter the information given, the registrant shall notify the Chief of Police in writing thereof within five (5) days.
  - (d) All information provided hereunder shall become and remain a public record open to the inspection of all persons.
- (Amended 11-5-1964 by O-9114 N.S.)*

**§57.01.24 Same — Issuance of Certificate of Registration — Content and Duration**

- (a) Upon registration as required by Section 57.01.23, the Chief of Police shall forthwith issue a Certificate of Registration to the registrant.
- (b) A Certificate of Registration shall be signed by the Chief of Police or his authorized representative and bear the name and address of the registrant, the number of the certificate, the date of issue and expiration, and a statement that the certificate does not constitute an endorsement by The City of San Diego or any of its departments, officers, or employees of the purpose of the solicitation or of the persons conducting the solicitation.
- (c) A Certificate of Registration shall be valid for a period of ninety (90) days. For good cause shown, the Chief of Police may extend the Certificate of Registration for an additional period not longer than ninety (90) days.

*(Amended 11-5-1964 by O-9114 N.S.)*

**§57.01.25 Same — Solicitors — Information Card Necessary**

- (a) No person shall personally solicit any contributions for a religious purpose unless he exhibits an "Information Card" and either reads it to or presents it for the perusal of the individual solicited.
- (b) The "Information Card" required by Section 57.01.25(a) above shall be in a form approved by the Chief of Police and shall contain the following information:
  - (1) The total amount of funds proposed to be raised;
  - (2) The estimated cost of solicitations, including all wages, fees, commissions, and expenses or emoluments to be expended or paid any one in connection with the solicitation;
  - (3) The estimated amount which will remain for the designated religious purpose;
  - (4) The total amount of funds raised in the preceding year, the cost of solicitation and the amount which remained for the designated charitable purpose as reported pursuant to Section 57.01.23(b)(12).

- (5) Any additional information which in the opinion of the Chief of Police may be assistance to the public by determining the nature and purpose of the solicitation.

(c) Approved "Information Cards" may be obtained from the Police Department.  
(Amended 11-5-1964 by O-9114 N.S.)

**§57.01.26 Same — Soliciting by Telephone — "Information Card" Required Upon Request**

No person shall solicit any contribution for a religious purpose by telephone unless he is prepared to present an "Information Card" upon request of the individual solicited; and when the individual solicited requests an "Information Card," the person soliciting must thereafter present an "Information Card" or a facsimile thereof.  
(*"Same — Soliciting by Telephone — "Information Card" Required upon Request" added 7-31-1962 by O-8691 N.S.*)

**§57.01.27 Same — Soliciting by Telephone — Compensation to Solicitor Prohibited**

No person shall solicit any contribution for a religious purpose by telephone for pecuniary compensation or other consideration.  
(*"Same — Soliciting by Telephone — Compensation to Solicitor Prohibited" added 7-31-1962 by O-8691 N.S.*)

**§57.01.28 Same — Soliciting by Minors Restricted**

No person under sixteen (16) years of age shall personally solicit any contribution for a religious purpose after sundown unless he is accompanied by a person of the age of eighteen (18) years or older to whom an "Information Card" also has been issued. Such "Information Card" shall be read or presented to the individual solicited as provided in section 57.01.25.  
(*"Same — Soliciting by Minors Restricted" added 7-31-1962 by O-8691 N.S.*)

**§57.01.29 Same — Permission to Solicit for Another**

No person shall conduct, carry on, or manage any solicitation for a religious purpose in the name of or on behalf of any other person without first obtaining express written permission of that person and filing it with the Chief of Police.  
(Amended 11-5-1964 by O-9114 N.S.)



**§57.01.30 Same — Written Receipt**

- (a) No person shall accept any contribution for a religious purpose without tendering in exchange a signed receipt upon request.
- (b) Exceptions:
  - (1) No receipt need be given or tendered if a donation of money is made by placing the same in a box or receptacle previously approved by the Chief of Police.
  - (2) No receipt need be given for a donation the value of which is less than one dollar (\$1.00).

*(Amended 11-5-1964 by O-9114 N.S.)*

**§57.01.31 Same — Box or Receptacle**

No person shall solicit any contribution for a religious purpose by means of any box or receptacle in or upon any public street or place, or any place open or accessible to the public without first obtaining a Certificate of Registration therefor from the Chief of Police.

*(Amended 11-5-1964 by O-9114 N.S.)*

**§57.01.32 Same — Accounting System**

No person shall conduct, carry on or manage any solicitation for a religious purpose unless he establishes and maintains a system of accounting in which all income, contributions or disbursements are recorded.

*("Same — Accounting System" added 7-31-1962 by O-8691 N.S.)*

**§57.01.33 Same — Exceptions**

Nothing in Sections 57.01.23 and 57.01.24 shall be deemed to apply to any solicitation for a religious purpose conducted by an organization solely upon premises owned or occupied by it, or solely among its officers and members or employees.

*("Same — Exceptions" renumbered from Sec. 57.01.19 and amended 7-31-1962 by O-8691 N.S.)*

**§57.01.34 Same — Investigation by Chief of Police — Powers**

- (a) Upon receipt of a written complaint, the Chief of Police or his authorized representative is authorized to investigate the affairs of any person soliciting

for a religious purpose under a Certificate of Registration as required by sections 57.01.23 and 57.01.24 or unlawfully without said Certificate of Registration.

- (b) The Chief of Police has the power to inspect all books, records and papers of any person soliciting for a religious purpose.
- (c) The Chief of Police shall make public his written findings in order that the public may be fully informed as to the affairs of the person investigated.
- (d) Within five (5) days before the public release of any findings under this section, the Chief of Police must first serve a copy of said findings upon the person or persons investigated.

*(Amended 11-5-1964 by O-9114 N.S.)*

#### **§57.01.35 Same — Reports Required**

- (a) Any person to whom a Certificate of Registration has been issued under Section 57.01.24(a) shall file with the Chief of Police within thirty (30) days after the close of the solicitation, upon forms provided by The City of San Diego, a detailed report and financial statement notarized or affirmed, showing the amount raised by the solicitation, the amount expended in the solicitation, including wages, fees, commissions, and expenses paid to any person in connection with the solicitation; and the disposition of the balance of the funds collected by the solicitation. The time for filing of the report required by this section may be extended by the Chief of Police upon good cause being shown.
- (b) Any person issued a Certificate of Registration under Section 57.01.24 (a) shall make available to the Chief of Police or to anyone designated by him, all books, records and papers by which the accuracy of the report required by Section 57.01.35(a) above may be ascertained.
- (c) Any report filed hereunder shall become and remain a public record open to the inspection of all persons.

*(Amended 11-5-1964 by O-9114 N.S.)*

#### **§57.01.36 Same — Promoters — License Required**

It shall be unlawful for any promoter, in any manner whatsoever, to solicit in public within the City of San Diego any contribution for any actual or purported charitable purpose, or for other purposes, associations, or institution, unless said promoter shall have first obtained a license from the Chief of Police.

*(Amended 11-5-1964 by O-9114 N.S.)*

**§57.01.37 Same — Promoters — Applications**

To obtain such license such promoter shall make and file, at least fifteen (15) days before the proposed commencement of such solicitation in public, an application in writing and under oath with the Chief of Police. In such application the applicant shall set forth, in addition to such other information as may be required by the Chief of Police:

- (a) The name and address of the applicant, and if such applicant be a corporation, the name and address of each of its managing officers and agents, and, if it be an unincorporated association, firm or partnership, the name and address of each member of such unincorporated association, firm or partnership;
- (b) A succinct statement of facts showing that the applicant, if not a corporation or an unincorporated firm, association or partnership, is of good character and reputation, or if the applicant be a corporation that each of its managing officers and agents is of good character and reputation, or if the applicant be an unincorporated association, firm or partnership that each of its members is of good character and reputation;
- (c) The general plan, character and method in or by which applicant proposes to conduct its or his business as a promoter, a statement of any and all agreements or understandings made or had with any person or association in whose behalf such solicitation is being conducted, together with at least one copy each of any such agreement or understanding which may be in writing, and specifically the amount of pecuniary compensation or consideration or percentage of any fund solicited or raised he or it is to receive for said promotion or solicitation.

*(Amended 11-5-1964 by O-9114 N.S.)*

**§57.01.38 Same — Promoters — Bond**

At the time of filing with the Chief of Police an application for such license, the applicant shall file and thereafter maintain with The City of San Diego if the said license is granted, a good and sufficient bond in the aggregate sum of five thousand dollars (\$5,000.00), enuring to the benefit of The City of San Diego, on a form approved by the City Attorney, executed by the applicant and by two or more responsible sureties, or by a surety company authorized to do business in the State of California. Said bond shall be conditioned upon the strict compliance by the principal with the provisions of this article and the payment of any direct pecuniary loss

sustained through any act of grand or petty theft on the part of the principal, by any donor, or by any person on whose behalf the funds or personal property were solicited or received by the principal.

- (a) Said bond shall remain in force and effect until said bond and undertakings in the solicitation of contributions by the promoter are canceled by the sureties. The sureties may cancel said bond and be relieved of further liability thereunder by delivery of thirty days' written notice to the department. Such cancellation shall not affect any liability incurred or accrued thereunder prior to the termination of said thirty-day period.
- (b) Any person who sustains any injury covered by said bond may in addition to any other remedy that he may have bring an action in his own name upon said bond for the recovery of any damage sustained by him.
- (c) Upon such action being commenced, such bond shall not be void upon first recovery thereon, but may be sued upon from time to time until the whole of such penalty shall be exhausted. The Chief of Police may require the filing of a new bond, and immediately upon the recovery in any action on such bond such promoter shall file a new bond, and upon failure to file the same within ten (10) days in either case the Chief of Police shall forthwith suspend such promoter's license to solicit.
- (d) The time within which any action may be brought against a surety upon any bond filed hereunder may, by express provisions of the bond to that effect, be limited to a period of two (2) years from and after the discovery by the person aggrieved of the act or default complained of.

*(Amended 10-14-1965 by O-9303 N.S.)*

#### **§57.01.39 Same — Promoters — Investigation**

The Chief of Police shall examine such application, and shall make such further investigation of the applicant and its or his affairs as he shall deem necessary. If from such investigation the Chief of Police shall be satisfied:

- (a) That the applicant is of good character and reputation, or that every managing officer or agent of the applicant, if the applicant is a corporation, is of good character and reputation, or if the applicant is an unincorporated association, firm or partnership, each member thereof is of good character and reputation;
- (b) That applicant has sufficient financial responsibility to carry out the obligations incident to any solicitation such applicant may make within the City of San

Diego as such promoter, and that all of the statements made in such application are, and each of them is, true and that neither the applicant, nor any officer, agent or member of the applicant has engaged in any fraudulent transaction or enterprise, and that the applicant intends to conduct its business fairly and honestly and agrees in writing to uphold the provisions of this section and subsections, the Chief of Police shall issue to the applicant a license to solicit as a promoter within the City of San Diego. Otherwise, the Chief of Police shall deny the application and refuse to issue a license, and shall notify the applicant of his decision by registered mail, giving him a written statement of his findings of fact, and notifying him of his right to a hearing and appeal on the denial. Said Chief of Police shall issue or refuse to issue said license within fifteen (15) days of the filing of said application;

- (c) Provided, however, that if the only ground for such refusal or denial is such that it does not substantially affect applicant's honesty and integrity, and if the inability of the applicant to meet any requirement will not in any way interfere with a proper performance by the applicant of his duties as such promoter, the Chief of Police may waive such grounds and grant the application. This proviso relates only to paragraphs (a) and (b) of this section.

*(Amended 11-5-1964 by O-9114 N.S.)*

**§57.01.40 Same — Promoters — Fee Paid to City Treasurer**

Upon the granting of such license the Chief of Police shall forward said license to the City Treasurer, who shall deliver said license upon payment by the applicant of a fee of twenty- five dollars (\$25.00).

*(Amended 11-5-1964 by O-9114 N.S.)*

**§57.01.41 Same — Promoters — License Revocation**

Upon any complaint being filed with and verified by the Chief of Police or upon his own investigation, if it be found after a hearing upon written notice containing charges, that any person to whom a license has been issued under Section 57.01.36 has violated any of the requirements of this Code or any of its subsections, or of any other law or that the said license holder, his agent or solicitor has made untrue statements or misrepresented the purpose of the solicitation, the Chief of Police shall within two days after the hearing, file in his office for public inspection and serve upon the license holder a written statement of the facts upon which he bases such findings and may suspend or revoke the said license.

If the said Chief of Police shall refuse to approve an application for license as provided for in Sections 57.01.36 to 57.01.40 both inclusive, or if the license already issued

shall be revoked, the person, organization, society, association, corporation, firm or partnership, or any agent or representative thereof, affected thereby, may appeal to the City Manager of The City of San Diego within five (5) days after receiving notice of such revocation or refusal.

*(Amended 11-5-1964 by O-9114 N.S.)*

**§57.01.42 Public Charitable Solicitations — Promoters — License Termination**

Every such license shall terminate or expire at midnight one calendar year from date of issue.

*(Renumbered from Sec. 57.01.27 on 7-31-1962 by O-8691 N.S.)*

**§57.01.43 Same — Promoters — Funds**

No promoter shall commingle any contribution with the promoter's own funds or property, or fail at any time to maintain and keep all contributions separate and apart from the promoter's own funds or property.

*(Renumbered from Sec. 57.01.28 on 7-31-1962 by O-8691 N.S.)*

**§57.01.44 Same — Solicitors — Certificate Required**

It shall be unlawful for any promoter to cause or permit any person for pecuniary compensation or consideration received or to be received by such person to solicit or receive on his behalf or at his instigation, under his direction or control, or in his employment, any contribution unless such person shall have a Certificate of Registration from the Chief of Police:

- (a) Except as provided in Sections 57.01.36 to 57.01.43 inclusive, it shall be unlawful for any person for pecuniary compensation or consideration to solicit contributions in public for or on behalf of any other person, association, or institution unless such person first obtained a Certificate of Registration from the Chief of Police.

*(Amended 11-5-1964 by O-9114 N.S.)*

**§57.01.45 Same — Promoters — Application — Investigation — Bond**

To obtain a Certificate of Registration, such solicitor shall make and file at least five (5) days before the proposed commencement of such solicitation in public an application in writing and under oath with the Chief of Police. In such application the applicant shall set forth, in addition to such other information as may be required by the Chief of Police:

- (a) The name and address of the applicant and a showing that the applicant is a person of good moral character and that his reputation for honesty is good;
- (b) The Chief of Police shall make such further investigation of the applicant as shall be necessary. Said Chief of Police shall approve or deny the application for a Certificate of Registration within ten (10) days of the filing of such application, and shall notify the applicant of his decision by registered mail, giving him a written statement of his findings of facts and notifying him of his right to a hearing and appeal on the denial;
- (c) At the time of filing said application for a Certificate of Registration, the applicant shall file with the City Clerk and thereafter maintain, if he is granted a Certificate of Registration, a bond in such form as may be approved by the City Attorney in the sum of five hundred dollars (\$500.00), conditioned for the payment of any direct pecuniary loss which may be sustained by any donee, or by any person or association on whose behalf any contribution was solicited or received through any act of grand or petty theft committed by such person;
- (d) The provisions of paragraphs (a), (b), (c) and (d) of Section 57.01.38 above shall apply to bonds filed pursuant to this section;
- (e) If the application for a Certificate of Registration is approved by the Chief of Police, said applicant shall be granted a Certificate of Registration signed by the Chief of Police stating that said applicant is a registered solicitor. Upon the granting of said certificate said Chief of Police shall forward said certificate to the City Treasurer who shall deliver said certificate upon payment by the applicant of a fee of three dollars (\$3.00);
- (f) The holder of the Certificate of Registration must notify the department in writing of any change of address, and if employed by more than one person, association, corporation or institution, he must inform the department in writing of such fact and of any subsequent termination or change of employment;
- (g) Each Certificate of Registration required by this section shall terminate one calendar year from date of issue. Thereafter such holder of Certificate of Registration shall be re-registered by the department upon the payment of a fee of three dollars (\$3.00) and the posting of a bond in the sum of five hundred dollars (\$500.00). Such bond shall comply with the requirements of Sections 57.01.44 and 57.01.45.

*(Amended 11-5-1964 by O-9114 N.S.)*

**§57.01.46 Same — Solicitors — Revocation — Appeals**

Upon complaint being filed with and verified by the said Chief of Police, or upon his own investigation, if it be found that any person soliciting under a Certificate of Registration, issued under the provisions of Sections 57.01.44 and 57.01.45, is misrepresenting or making untrue statements or that he has violated any of the requirements of this Section or Subsections, or of any other law, the said Chief of Police after a hearing upon written notice containing charges, may suspend or revoke such certificate. If the said Chief of Police shall refuse to approve an application for a Certificate of Registration, as provided for in Sections 57.01.44 and 57.01.45, or if such certificate already issued shall be revoked, the said solicitor affected thereby may appeal to the City Manager of The City of San Diego within five (5) days after receiving notice of such revocation or refusal.

*(Amended 11-5-1964 by O-9114 N.S.)*

**§57.01.47 Same — Fraudulent Misrepresentation**

No person shall directly or indirectly solicit contributions for any purpose by misrepresentation of his name, occupation, financial condition, social condition or residence, and no person shall make or perpetrate any fraud in connection with any solicitation for any purpose in The City of San Diego or in any application or report filed under the Section or Subsections.

*(Renumbered from Sec. 57.01.32 on 7-31-1962 by O-8691 N.S.)*

**§57.01.48 Same — Penalty**

The sentence of any person convicted of a violation of this Section or subsections shall at the discretion of the court include an order prohibiting such person or association from soliciting with The City of San Diego, during the period of one year from and after the date of such conviction, any contribution for any charitable purpose, or any purpose whatever.

*(Renumbered from Sec. 57.01.33 on 7-31-1962 by O-8691 N.S.)*

**§57.05 Soliciting Patronage on Railroad Trains for Transportation Firms, Hotels, Restaurants, Etc. — Prohibited**

It shall be unlawful for any person to solicit patronage for or on behalf of any person, firm or corporation engaged in the business of transporting or transferring, persons or property or baggage, or to solicit patronage for or on behalf of any hotel, lodging house, apartment house, cafe, restaurant or boarding house, in or upon any railroad train or car within the limits of The City of San Diego without the written consent of the owner of such railroad train or car.



*(Incorp. 1-22-1952 by O-5046 N.S.)*

**§57.06        Soliciting Patronage for Hotel, Boarding House, Lodging House — Prohibited — Exceptions**

It shall be unlawful for any person, in The City of San Diego, California, whether as principal, servant, employee or agent, for hire or otherwise, or as an officer of a corporation, or otherwise, to engage in the occupation of a runner, agent or solicitor for any hotel, boarding house, or any lodging house, or any place where board or lodging is furnished, or to solicit from any person patronage for any hotel, boarding house or lodging house, or any place where board or lodging is furnished. Provided that nothing herein contained shall apply to publishing, distributing and circulating within The City of San Diego under the direction of the publisher or publishers, their servants and agents, regularly published newspapers, magazines and periodicals notwithstanding said papers, magazines and periodicals may contain advertising matter relating to hotels, boarding houses, lodging houses and other places where board or lodging is furnished.

*(Incorp. 1-22-1952 by O-5046 N.S.)*

**§57.07        Procurement or Sale of Transportation Tickets on Behalf of Another — Regulated — Fees Chargeable**

It shall be unlawful for any person to require, charge, make or receive, within the corporate limits of The City of San Diego, for the procurement on behalf of another, by purchase or otherwise, of any ticket, reservation or passenger accommodation, issued by any railroad, parlor or sleeping car owner or operator, steamship company, air line or bus line, a fee or service charge or any payment or consideration for rendering such service in excess of \$1.00 for the first transportation ticket, reservation or passenger accommodation or first parlor car or sleeping car reservation or passenger accommodation, or in excess of \$1.00 for any additional transportation ticket or parlor car or sleeping car reservation or passenger accommodation over the established tariff charge or charges therefor.

*(Incorp. 1-22-1952 by O-5046 N.S.)*

**§57.07.1     Same — Proof of Intent**

It shall be unlawful for any person to procure on behalf of another person, within the corporate limits of The City of San Diego by purchase or otherwise, any ticket, reservation or passenger accommodation, issued by any railroad, parlor or sleeping car owner or operator, steamship company, air line or bus line, with the intent, with respect to such other person, to require, charge, make or receive a service charge or any payment or consideration for rendering service in excess of the amount or

amounts hereinabove specified in Section 57.07 over the established tariff charge or charges therefor.

Proof of the making of a service charge or of the receipt of any payment or consideration, in connection with the procurement of such ticket, reservation or passenger accommodation, for such other person, in excess of the amount or amounts hereinabove specified in Section 57.07 over such established tariff charge or charges, shall be presumptive evidence of the intent mentioned in the next preceding Section. (*Incorp. 1-22-1952 by O-5046 N.S.*)

**§57.07.2 Same — Sales in Excess of Specified Amounts — Prohibited**

It shall be unlawful for any person to sell, resell or cause to be resold, within the corporate limits of The City of San Diego, any ticket, reservation or passenger accommodation issued by any railroad, parlor or sleeping car owner or operator, steamship company, air line or bus line, as a price in excess of the amount or amounts hereinabove specified in Section 57.07 over the established tariff charge or charges therefor. (*Incorp. 1-22-1952 by O-5046 N.S.*)

**§57.07.3 Same — Proof of Intent**

It shall be unlawful for any person to procure, within the corporate limits of The City of San Diego, by purchase or otherwise, any ticket, reservation or passenger accommodation, issued by any railroad, parlor or sleeping car owner or operator, steamship company, air line or bus line, with the intent to sell or resell the same, or cause the same to be sold or resold, at a price in excess of the amount or amounts hereinabove specified in Section 57.07 over the established tariff charge or charges therefor.

Proof of the sale or resale of such ticket, reservation or passenger accommodation or combination thereof at a price in excess of the amount or amounts hereinabove specified in Section 57.07 over such established tariff charge or charges shall be presumptive evidence of the intent mentioned in the next preceding Section. (*Incorp. 1-22-1952 by O-5046 N.S.*)

**§57.07.4 Same — Definitions**

The term "person" as used in this Section includes any officer or employee of a corporation or a member or employee of a partnership who as such officer, member or employee, is responsible for the act in respect of which the violation occurs.

The term "established tariff charge" shall be the charge set forth in the tariff as published and filed by the railroad, parlor or sleeping car owner or operator, steamship company, air line or bus line involved.

*(Incorp. 1-22-1952 by O-5046 N.S.)*

**§57.07.5 Same — Posting Notices**

The person responsible for the management of each travel agency and hotel operating within the corporate limits of The City of San Diego, shall cause a copy of this Section and these Subsections to be posted in a conspicuous place upon the premises of the agency or hotel for the information of patrons, guests and members of the public at large.

*(Incorp. 1-22-1952 by O-5046 N.S., contained in O-2846 N.S. adopted 3-31-1944.)*

**§57.07.6 Same — Exceptions**

This law shall not apply to tickets, reservations or passenger accommodations:

(a) To or from places outside of the continental United States and Canada, excluding Alaska; nor

(b) To existing written contracts between any travel agency with corporations, firms or government agencies covering tourist or travel services.

*(Incorp. 1-22-1952 by O-5046 N.S., contained in O-2846 N.S. adopted 3-31-1944.)*

**§57.08 Sale of Transportation by Public Outcry in Public Places — Prohibited**

It shall be unlawful for any person, as principal or agent, or otherwise, to sell, or offer for sale, or attempt to sell by public outcry upon any street, alley, park, or other public place in The City of San Diego, California, any ticket or contract for transportation.

*(Incorp. 1-22-1952 by O-5046 N.S., contained in O-6857 O.S. adopted 1-3-1917.)*

**§57.08.1 Directing Attention to Places where Transportation Tickets are Sold — Public Outcry Prohibited**

It shall be unlawful for any person, as principal or as agent, or otherwise, upon any street, alley, park, or other public place in The City of San Diego, California, to call attention by public outcry to any place in The City of San Diego where tickets or contracts for transportation are sold or offered for sale.

*(Incorp. 1-22-1952 by O-5046 N.S., contained in O-6857 O.S. adopted 1-3-1917.)*

**§57.08.2 Same — Definitions**

The term "transportation" as used in this Section and Subsections shall mean the carrying of passengers by means of any vehicle, automobile, automobile stage, railroad train, electrically propelled street car, or interurban car, boat, ship or launch.  
(*Incorp. 1-22-1952 by O-5046 N.S., contained in O-6857 O.S. adopted 1-3-1917.*)

**§57.10 Fortune Telling, Etc., Advertising — Prohibited**

It shall be unlawful for any person or persons to advertise by sign, circular, handbill or in any newspaper, periodical or magazine, or other publication or publications, or by any other means, to tell fortunes, to find or restore lost or stolen property, to locate oil wells, gold or silver or other ore or metal or natural product, to restore lost love or friendship or affection, to unite or procure lovers, husbands, wives, lost relatives or friends, for or without pay, by means of occult or psychic powers, facilities or forces, clairvoyance, psychology, psychometry, spirits, mediumship, seership, prophecy, astrology, palmistry, necromancy, or other craft, science, cards, talismans, charms, potions, magnetism or magnetized articles or substances, Oriental mysteries or magic of any kind or nature, or numerology, or to engage in or carry on any business the advertisement of which is prohibited in this Section and Subsections.  
(*Incorp. 1-22-1952 by O-5046 N.S., contained in O-574 N.S. adopted 12-28-1934.*)

**§57.10.1 Same — Exceptions**

The provisions of this Section and Subsections shall not be construed to include, prohibit or interfere with the exercise of any religious or spiritual function of any priest, minister, rector or an accredited representative of any bona fide church or religion where such priest, minister, rector or accredited representative holds a certificate of credit, commission or ordination under the ecclesiastical laws of a religious corporation incorporated under the laws of any state or territory of the United States of America, or any voluntary religious association, and who fully conforms to the rites and practices prescribed by the supreme conference, convocation, convention, assembly, association or synod of the system or faith with which they are affiliated.

Provided, however, that any church or religious organization which is organized for the primary purpose of conferring certificates of commission, credit or ordination for a price and not primarily for the purpose of teaching and practicing a religious doctrine or belief, shall not be deemed to be a bona fide church or religious organization.  
(*Incorp. 1-22-1952 by O-5046 N.S., contained in O-574 N.S. adopted 12-18-1934.*)

**§57.14 Selling of Tickets of Admission to Places of Public Assemblage in Public Places and Places Open to The Public Prohibited — Exceptions:**

- (a) It is the purpose and intent of this ordinance to prohibit the unauthorized sale or resale for profit of admission tickets to places of public amusement or entertainment including, but not limited to, stadiums, auditoriums, theatres and arenas.
- (b) No person shall sell or resell for profit or offer to sell or resell for profit any ticket of admission to a place of public assemblage in or upon any public street, sidewalk, park or other public place, or in or upon any place which is open to the public, except as otherwise provided herein.
- (c) The provisions of paragraph 2 of this section shall not include or apply to the sale of such tickets at or from any ticket office, booth or other similar place regularly and permanently established and maintained therefor with the express permission and authorization of the person or governmental agency in charge, care or control of the property where such office, booth or place is located.
- (d) For purposes of this section the following words and phrases are defined as follows:
  - (1) "Place of Public Assemblage" shall mean every place of public amusement or entertainment, stadium, auditorium, theatre, athletic field, concert hall or arena which is open to the public upon compliance with requirements for admission thereto.
  - (2) "Place Open to the Public" shall mean every place of public amusement or entertainment, stadium, auditorium, theatre, athletic field, concert hall or arena and the property upon which such place is located or any other property contiguous thereto which is under the same care, management or control.

*("Selling of Tickets of Admission to Places of Public Assemblage in Public Places and Places Open to The Public Prohibited — Exceptions" added 10-13-1970 by O-10430 N.S.)*

**§57.15 Distribution of Newspapers, etc., upon Roadways — Prohibited**

It is hereby declared to be unlawful for any person to sell, give away or distribute any newspaper, handbill, periodical or other printed matter, or any article of merchandise, in or upon any roadway in The City of San Diego, as said roadway is defined by the Vehicle Code of the State of California.

Nothing in this Section shall be deemed to apply to any person otherwise licensed or regulated by any of the laws of The City of San Diego.  
(*Incorp. 1-22-1952 by O-5046 N.S., contained in O-897 N.S. adopted 5-6-1936.*)

**§57.16 Handbills— Defined— Distribution Regulated**

For the purpose of this section and section 57.17, the term "handbill" means any handbill, dodger, commercial advertising circular, folder, booklet, letter, card, pamphlet, sheet, poster, sticker, banner, notice, or other written, printed or painted matter calculated to attract the attention of the public and containing commercial advertising matter.

- (a) No person shall deposit, cast, throw, attach or distribute any handbill, as hereinabove defined, on, in, or upon any street or sidewalk, any motor vehicle parked or in motion upon any street in The City of San Diego, or on any other public place.
- (b) This section shall not be deemed or construed to prohibit or restrict the distribution of written or printed matter devoted to the expression of views, opinions, beliefs or contentions relating to religious, political or sociological subjects, or to public or civic affairs, or to labor disputes or other controversies, or to community, state, regional, national or international affairs, or which treat of any social or economic order, or which relate to the arts or sciences; or which are aimed to redress any grievance, or which otherwise are not distributed for the purpose of soliciting business, trade or custom; nor shall the terms of subsection (a) be deemed to include the printed notice of an event which is not arranged for profit or to stimulate the business, trade, or traffic of the person who causes the dissemination of the notice, even though a monetary admission fee be requested or accepted in connection with such event.

(*Amended 5-2-1994 by O-18068 N.S.*)

**§57.17 Handbill Requirements On Hotel or Motel Property**

- (a) It is unlawful for any person to throw into, leave upon or scatter onto the property of any hotel, motel or inn, any handbill solely for purpose of proposing a commercial transaction, unless such material clearly indicates the name, address and telephone number of the entity being advertised.

- (b) The owner or agent of any hotel, motel or inn may withdraw consent for the distribution of any handbill proposing a commercial transaction, by writing directly to the name and address listed on the material, stating clearly that consent is withdrawn for the distribution of the material.

*(“Handbill Requirements On Hotel or Motel Property” added 5-2-1994 by O-18068 N.S.)*

